

FILED & JUDGMENT ENTERED David E. Weich
Dec 15 2009
Clerk, U.S. Bankruptcy Court Western District of North Carolina



  
George R. Hodges  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**IN RE:** ) **09-10332/Chapter 11 Proceeding**  
 )  
THE HAMMOCKS, LLC d/b/a ) **ORDER ALLOWING EMPLOYMENT**  
Richmond Hill Inn, ) **OF PROFESSIONAL**  
 )  
**Debtor.** )

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**THIS MATTER COMING ON FOR HEARING** on December 8, 2009 before the Bankruptcy Judge Presiding over the Chambers term of Bankruptcy Court for the Asheville Division for December, 2009 on notice and application of the debtor/debtor-in-possession to employ a professional, a commercial realtor, the debtor/debtor-in-possession appearing through its attorney of record, David G. Gray, the secured creditor, Richmond Hill Inn, Inc., appearing through its attorney, Marjorie R. Mann, no written responses being filed and no other appearances noted, the Court heard from the attorneys, made the following findings/conclusions and entered this order:

1. The debtor is currently operating as debtor-in-possession pursuant to a Chapter 11 proceeding filed on March 25, 2009.
2. In the process of offering a portion of its real property for sale, the debtor is in need of the services of a licensed North Carolina realtor and wishes to employ NAI BH Commercial/Robin Boylan, CCIM, SIOR, with offices at 410 Executive Park, Asheville, North Carolina which is associated with the largest realtor firm in Western North Carolina, Beverly Hanks Realtors; a realtor fee of eight percent (8%) is proposed.
3. The debtor believes that such firm is well qualified to serve as a professional for the debtor in this proceeding and has no connection with the debtor, its creditors or any other party in interest or their respective attorneys.

**4. The named business realtor firm is a disinterested party to serve as a professional for the debtor-in-possession and the estate.**

**5. The named business realtor firm represents no interest adverse to debtor or the estate or the matters upon which it is to be engaged for debtor and its employment would be in the best interest of this estate.**

**6. Part of the proposed Chapter 11 plan of the debtor-in-possession is to sell real property and/or real property and improvements to pay creditors. It is in the best interest of the creditors, Chapter 11 Estate and debtor/debtor-in-possession to employ a nationally recognized business realtor firm to offer the property for sale.**

**7. The secured party, Richmond Hill Inn, Inc., believes that a six percent (6%) realtor fee would be appropriate for this offering.**

**8. It appears that a six percent (6%) realtor fee is reasonable for this size offering.**

**THEREFORE, based on the foregoing findings/conclusions, the Court enters the following order:**

**IT IS ORDERED that:**

**1. The debtor/debtor-in-possession/Chapter 11 Estate retaining a professional/commercial realtor, NAI BH Commercial/Robin Boylan, CCIM, SIOR, with offices at 410 Executive Park, Asheville, North Carolina, is approved.**

**2. The fee for the professional will be six percent (6%) of the sales price received and finalized by an actual purchase of real property and real property and improvements of the Chapter 11 estate/debtor/debtor-in-possession.**

This Order has been signed electronically.  
The judge's signature and court's seal  
appear at the top of the Order.

United States Bankruptcy Court